THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.6904 OF 2006

ORAL ORDER:

This writ petition is filed seeking a *mandamus* directing respondents 2 and 3 to finalise the representation made by the petitioner-society dated 22.7.2005 relating to quarry lease of Napa Slabs in an extent of Ac.7.80 cents in Sy.No.584/2 (part), adjacent to patta lands in Sy.Nos.533 and 609 of Ratchamalapadu village, Veldurthy Mandal, Guntur district by following the procedure prescribed under A.P. Minor Mineral Concession Rules.

In response to the notice ordered, the Assistant director of Mines and Geology filed a counter affidavit stating that pursuant to the representation made by the petitioner the area in question was already surveyed and demarcated on ground. Accordingly, combined proposals were submitted duly incorporating the merits and demerits with regard to overlapping position noticed in the said survey. Though the proposals were submitted to the Deputy Director of Mines & Geology, Guntur, by enclosing a combined survey sketch report and Inspection report on 23.6.2006 itself, the Deputy Director of Mines & Geology had returned the proposals with a direction to resubmit the same after disposal of the representation made by one Smt. K. Chenamma requesting the Government for condonation of delay in filing the application for renewal of lease.

Heard the learned counsel for both the parties and perused the material on record.

The specific case of petitioner is that the lease held by Smt. K. Chenamma is in respect of different extent of land though situated in the same survey No.584/2. The plea of the 3rd respondent in his counter affidavit that a joint survey was conducted in the presence of the petitioner, which revealed that the area applied for by the petitioner and the existing lease held by Smt. Chenamma is

partly overlapping has been specifically denied by the petitioner in its reply affidavit.

In the circumstances, the 2nd respondent is required to consider the proposal submitted by the 3rd respondent so far as the petitioner-society is concerned independently, and ought to have passed appropriate orders in accordance with law. The action of the 2nd respondent in returning the proposals merely on the ground that proceedings are pending before the Government with regard to renewal of lease in favour of Smt. Chenamma cannot be held to be in accordance with law.

Accordingly, the writ petition is disposed of with a direction to the 3rd respondent to resubmit the proposals within a period of two weeks from the date of receipt of a copy of this order. On such resubmission, the 2nd respondent shall consider the same independently in accordance with law after hearing all the parties concerned and pass appropriate orders within a period of four weeks thereafter. No costs.

15.6.2007.

Kgr

Note:

Issue CC in three days.

(Bo)

Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.6904 OF 2006

15th June, 2007.

Between:

M/s The Vaddera Labour Contract
Co-operative Society,
represented by its President –
Bathula Venkateswarlu. .. Petitioner.

And

The Director of Mines & Geology,
Andhra Pradesh, BRKR Govt. Offices Buildings,
Tank Bund Road, Hyderabad and others. ..Respondents.